

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

NICHOLAS AUSTIN HOYLE	:	: CIVIL ACTION
	:	
v.	:	: NO. 22-3673
	:	
LAURA K. WILLIAMS	:	

ORDER

AND NOW, this 21st day of August 2023, upon careful and independent consideration of the Petition for a writ of habeas corpus (ECF No. 1), amended Petition (ECF Nos. 11, 12) the Response to the Petition (ECF No. 18), United States Magistrate Judge Craig M. Straw's July 28, 2023 Report and Recommendation (ECF No. 32), absent objections, and independently reviewing Judge Straw's analysis and finding he correctly analyzes the issues to find claims one, two, and four are not cognizable under our habeas jurisdiction requiring we dismiss those claims with prejudice and claims three, five, six, and seven are not presently reviewable as not exhausted through available state court remedies, it is **ORDERED**:

1. We **APPROVE** and **ADOPT** Judge Straw's comprehensive Report and Recommendation (ECF No. 32);

2. We **DENY** and **DISMISS** the Petitions for a writ of habeas corpus (ECF Nos. 1, 11, 12):

a. We **dismiss claims one, two, and four with prejudice** as not asserting violations of federal law cognizable in our habeas jurisdiction;

b. We **dismiss claims three, five, six, and seven (pleading Constitutional violations) without prejudice** as they are not presently exhausted through one complete round of

Pennsylvania's established appellate review process nor has Petitioner alleged or demonstrated extraordinary circumstances justifying waiving this exhaustion requirement;

3. We **DENY** a certificate of appealability as Petitioner has not shown reasonable jurists would find our reasoning incorrect in dismissing claims one, two, and four with prejudice as non-cognizable and claims three, five, six, and seven without prejudice to possibly be renewed following exhausting at least one round of Pennsylvania's appellate process;¹ and,

4. The Clerk of Court shall **close** this case.


A handwritten signature in blue ink, appearing to read 'J. Kearney', is positioned above a horizontal line.

KEARNEY, J.

¹ See 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).